

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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KERKER, PAMELA

Plaintiff

07 Civ. 6283 (CLB)

-against-

ORDER DECLARING WHITE PLAINS
CASE ELIGIBLE FOR MEDIATION

NATIONAL RAILROAD PASSENGER
Defendant

RP.

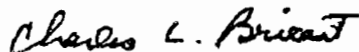
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Brieant, J.

To the Clerk of Court:

1. This case is determined to be eligible for mediation as to all issues.
2. The entire mediation process is confidential. The parties and the Mediator may not disclose information regarding the proceedings or the final settlement terms, to the Court or to third persons unless all parties agree. The Mediator is not to be disclosed even to the Court to administer or evaluate the mediation program. However, persons authorized by the Court to administer or evaluate the mediation program may have access to information as they try to administer or evaluate the program and may be subject to confidential inquiries or surveys by said persons authorized by the Court to administer or evaluate the mediation program.
3. The mediation process shall be conducted as a compromise negotiation for purposes of the Federal Rules of Evidence and state rules of evidence. The Mediator is disqualified as a witness, consultant, attorney, or expert in any future action relation to the dispute, including any further process.
4. Entry of this case into the Court's mediation program shall not be deemed to change any timetable set by the Court contained in any scheduling order or otherwise governing the completion of discovery, motion practice or trial date.

SO ORDERED.

Dated: White Plains, New York
October 16, 2007


Charles L. Brieant, U.S.D.J.